

CR#05-1637-CBS

**AFFIDAVIT**

I, Paul F. Jordan, being duly sworn, do hereby depose and state as follows:

1. I am a Special Agent employed by the United States Bureau of Immigration and Customs Enforcement ("ICE"), and have been so employed by ICE, and its predecessor agency, the Immigration and Naturalization Service, since July 1987. My duties include the detection and apprehension of aliens who are in the United States unlawfully.

2. On January 21, 2005, Boston Police Officer Stephen J. Ridge of the Youth Violence Strike Force ("YVSF") advised this writer that he had received information from a reliable confidential informant ("CI") that Richard Anthony PRYCE ("PRYCE") had illegally re-entered the United States after having been previously deported and was now in the Boston area. Officer Ridge stated that this CI told him that PRYCE, who is a Jamaican male, had obtained a Massachusetts Driver's license on September 25, 2003 in the alias of Jadya PETTY dob: 12-24-72. Officer Ridge stated to this writer that he compared the Massachusetts license photograph in the name of Jadya PETTY and an photograph of PRYCE provided by this writer from ICE's files and determined them to be the same person.

3. On January 21, 2005, Officer Ridge told this writer that the New York City Police Department ("NYPD"), 47th Precinct, had arrested PRYCE on April 11, 2003, using the alias of Brian HEAPPS,

DOB: 12-24-72, for unlawful possession of a firearm and possession of marijuana. Officer Ridge further stated that the NYPD submitted the fingerprints of HEAPPS to the FBI, and the FBI response indicated that HEAPPS and PRYCE is one and the same person.

4. On January 21, 2005, I conducted a review of ICE records. They contain an alien file (A35 633 299) pertaining to PRYCE, and indicate that PRYCE is a citizen national of Jamaica, having been born in that country. Records within that file indicate the following. On November 9, 1989, Boston ICE Special Agent Betty Poleet, arrested PRYCE on an immigration violation based upon a Massachusetts state conviction for Possession of Cocaine with Intent to Distribute.

5. Deportation proceedings were then commenced against PRYCE, but were thereafter terminated on July 10, 1990 based on the fact that the above criminal narcotics conviction was placed on appeal.

6. On December 10, 1991, I issued PRYCE a Notice to Appear, which recommenced his deportation proceedings based upon a Massachusetts Suffolk Superior Court conviction for Unlawful Possession of a Firearm.

7. As a result, on August 18, 1992, PRYCE was ordered deported to Jamaica based upon the above firearm conviction.

8. On August 25, 1992, PRYCE was deported to Jamaica.

9. On April 11, 1994, the Massachusetts State Police in Brockton, MA, arrested PRYCE for Possession of a Fraudulent Massachusetts Drivers License in the name of Wayne BROOKS.

10. On April 14, 1994, Boston ICE Special Agent Denise Queally, served a Reinstatement Notice to PRYCE for Re-entry After Deportation. Thereafter, the United States Attorney's Office for the District of Massachusetts prosecuted PRYCE for unlawful reentry after deportation, in violation of 8 U.S.C. §1326.

11. On June 22, 1994, PRYCE pled guilty in United States District Court for the District of Massachusetts, before Judge Stearns on the above criminal charge (Case #CR 94-10127 RGS).

12. On September 22, 1994, Judge Stearns sentenced PRYCE to seventy-seven (77) months incarceration for the above criminal offense.

13. ICE records also indicate that on November 18, 1999, PRYCE was again deported back to Jamaica. I have reviewed a photograph of PRYCE from PRYCE's A-file that was taken at the time of his ICE arrest in 1994. I have compared that photograph to the photograph of the person who obtained a licence on September 25, 2003 from the Massachusetts Registry of Motor Vehicles in the name of Jadya PETTY (referred to above in Paragraph 2 above), and determined that the two photographs depict the same person.

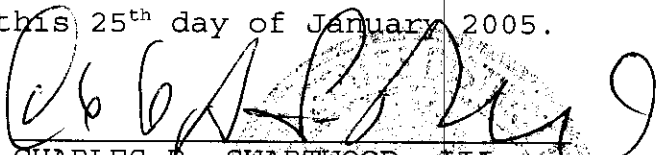
14. I have reviewed PRYCE'S A-file and there is no indication in PRYCE'S file that he has been granted permission by the United States Attorney General or the Director of Homeland Security to re-enter the United States since his 1999 deportation. I know from my experience with ICE that if such an application was sought or granted, it would be reflected in PRYCE'S alien file.

15. Based on the foregoing, I have probable cause to believe that PRYCE, being an alien, and after having been arrested and deported from the United States, has returned to the United States without the express permission of the United States Attorney General or the Director of Homeland Security to apply for readmission to this country, in violation of Title 8, United States Code, Section 1326.



PAUL F. JORDAN  
Senior Special Agent  
U.S. Bureau Immigration and  
Customs Enforcement

Sworn and subscribed to before me this 25<sup>th</sup> day of January 2005.



CHARLES B. SWARTWOOD, III  
Chief U.S. Magistrate Judge

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: Boston Category No. II Investigating Agency ICECity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. \_\_\_\_\_ Case No. 05-1637-CBS  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Richard Anthony Pryce Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1970 SSN (last 4 #): 2447 Sex M Race: \_\_\_\_\_ Nationality: \_\_\_\_\_

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Timothy Q. Feeley Bar Number if applicable 160950Interpreter: ☐ Yes ☒ No List language and/or dialect: N/AMatter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 1

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☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: January 25, 2005Signature of AUSA: Timothy Q. Feeley

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Richard Anthony Pryce

U.S.C. Citations		Count Numbers
<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	
Set 1 <u>8 U.S.C. §1326</u>	<u>Unlawful Reentry After Deportation</u>	<u>1</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
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Set 11 _____	_____	_____
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Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____
ADDITIONAL INFORMATION:		